Center for Land Use Education

THE LAND USE TRACKER

DO WISCONSIN'S "SMART GROWTH" PLANS CONFORM TO SMART GROWTH PRINCIPLES?

*By Anna Haines, Ph.D., Director, Center for Land Use Education and
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Introduction

Are Wisconsin's communities producing comprehensive plans that conform to smart growth principles? The short answer is "No, they are not." This article sets out to discuss the results of an evaluation of 30 grant-funded comprehensive plans. Since its adoption, Wisconsin's comprehensive planning law, or "Smart Growth" law, has come under attack. Much of the attack stems from the perception that local comprehensive plans must conform to smart growth principles. (Figure 1 reproduces 14 state planning goals that communities must address if they have applied for and received state planning grant funds). To many people, the smart growth movement, from which 10 basic principles are outlined (see Figure 2) represents a top-down approach that dictates to communities what they should do and how they should do it. See the Smart Growth (SG) Network website for

On The Web...

Visit the *Smart Communities Network* for links to land use planning, rural issues and other topics:
www.sustainable.doe.gov

Figure 1: Fourteen State Planning Goals

1. Promotion of the redevelopment of land with existing infrastructure and public services and the maintenance and rehabilitation of existing residential, commercial and industrial structures.
2. Encouragement of neighborhood designs that support a range of transportation choices.
3. Protection of natural areas, including wetlands, wildlife habitats, lakes, woodlands, open spaces and groundwater resources.
4. Protection of economically productive areas, including farmland and forests.
5. Encouragement of land uses, densities and regulations that promote efficient development patterns and relatively low municipal and state governmental utility costs.
6. Preservation of cultural, historic and archaeological sites.
7. Encouragement of coordination and cooperation among nearby units of government.
8. Building of community identity by revitalizing main streets and enforcing design standards.
9. Providing an adequate supply of affordable housing for individuals of all income levels throughout each community.
10. Providing adequate infrastructure and public services and an adequate supply of developable land to meet existing and future market demand for residential, commercial and industrial uses.
11. Promoting the expansion or stabilization of the current economic base and the creation of a range of employment opportunities at the state, regional and local levels.
12. Balancing individual property rights with community interests and goals.
13. Planning and development of land uses that create or preserve varied and unique urban and rural communities.
14. Providing an integrated, efficient and economical transportation system that affords mobility, convenience, and safety and that meets the needs of all citizens, including transit-dependent and disabled citizens.

Wisconsin State Statutes 16.965

CALENDAR OF EVENTS

NORTHWEST WISCONSIN LAKES CONFERENCE

June 23-24, 2005
Telemark Resort and Convention Center, Cable, WI
http://www.wisconsinlakes.org/

SUSTAINING WISCONSIN FORESTS & WOODLANDS TO STRENGTHEN OUR ECONOMY

June 30, 2005
University of Wisconsin-Baraboo/Sauk County, Baraboo, WI
www.uwsp.edu/cnr/landcenter/forestplanning/news.htm

INTRO TO COMPUTER TOOLS FOR PLANNING, CONSERVATION AND ENVIRONMENTAL PROTECTION

August 17-18, 2005
University of Wisconsin-Madison
http://dnr.wi.gov/org/es/science/landuse/CompTools

GIS TRAINING WORKSHOPS

Land Information and Computer Graphics Facility, University of Wisconsin-Madison
www.lic.wisc.edu

Land-Use Planning, Smart Growth, and Data Access using GIS, June 21-22, 2005
Introduction to ArcGIS Extensions, July 6, 2005
Introduction to 3D Visualization of GIS Data, July 7, 2005
Introduction to ESRI Personal Geodatabase, July 12-13, 2005
Introduction to ArcGIS I, August 8-9, 2005
Introduction to ArcGIS II, August 10-12; 2005
Introduction to ArcView 3.x, August 16-17, 2005
Advanced ArcView 3.x, August 18, 2005

WISCONSIN COUNTIES ASSOCIATION ANNUAL CONFERENCE

September 18-20, 2005
Midwest Airlines Center, Milwaukee, WI
www.wicounties.org

UPPER MIDWEST REGIONAL PLANNING CONFERENCE

September 28-30, 2005
Arrowwood Resort and Conference Center, Alexandria, MN
www.plannersconference.com

GREEN MAKEOVER: RETROFITTING SITES IN URBAN AREAS TO ENRICH CITY ENVIRONMENTS

October 19-20, 2005
University of Wisconsin-Milwaukee, School of Continuing Education Conference Ctr
http://128.248.232.70/glakes/ce/courseDetail.asp?GID=319

continued from page 1

more information: www.smartgrowth.
org. The purpose of this article is not
to argue whether or not Wisconsin's
law embraces these principles or not,
but to understand whether or not local
plans reflect smart growth principles.

The Study

We chose 30 plans based on two
primary criteria: 1) the community had
been awarded state planning funds so
that the plan should have addressed
the fourteen planning goals; and 2)
the community adopted their plan by
ordinance as required by the law.

To evaluate these plans, we collected
all thirty plans in their entirety,
developed a plan evaluation protocol
and used content analysis to evaluate
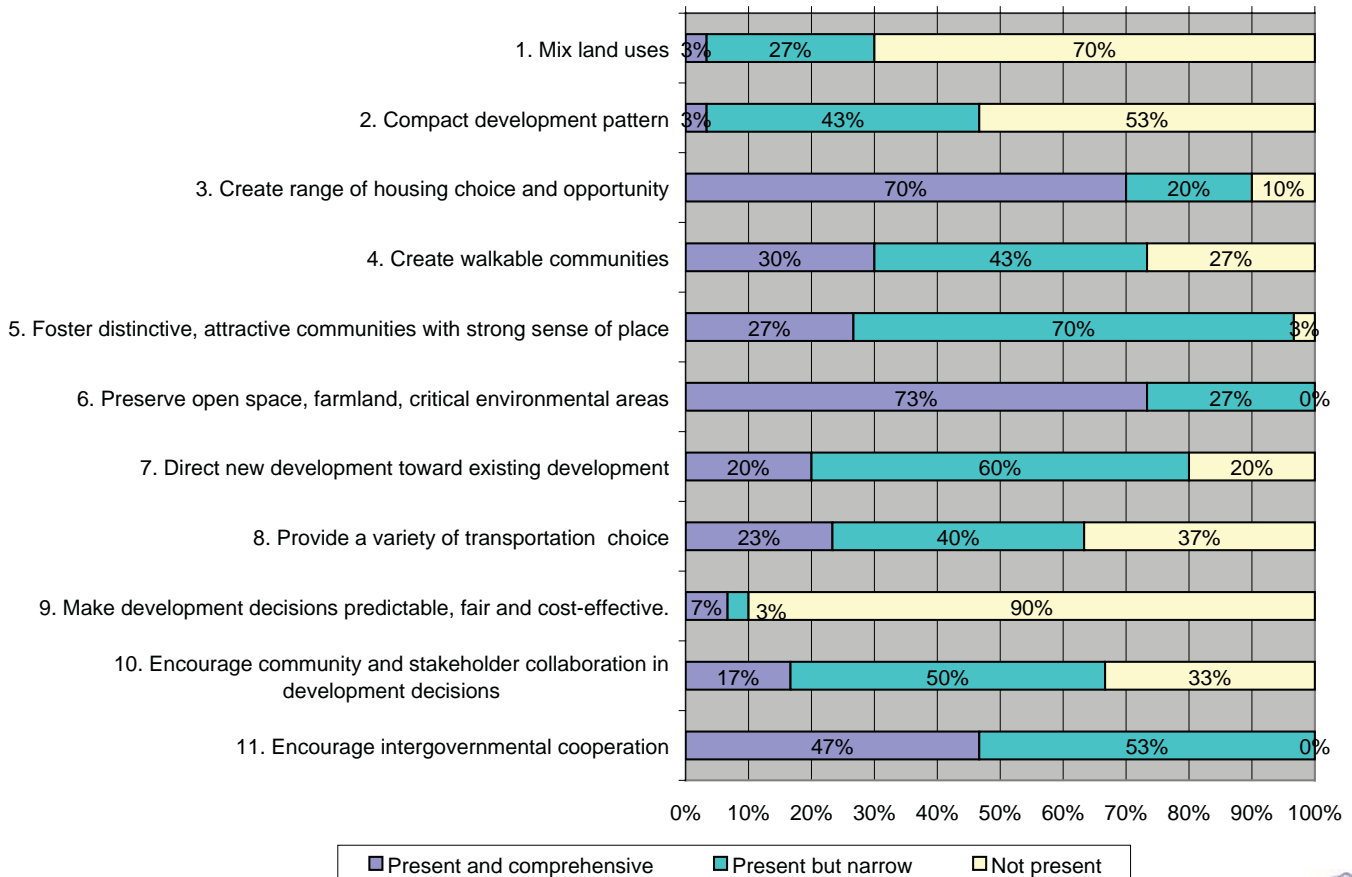each of the plans for use of smart

growth (SG) principles. We derived
a score card based on the 10 SG
principles. We created one additional
scoring criterion that focused on
encouraging intergovernmental
cooperation, since this Wisconsin goal
was not included in any of the national
SG principles and is an important
aspect of the law. In evaluating each
of the plans we initially noted the
presence or absence of smart growth
goals. Figure 3 illustrates the results
of this content analysis. Results are
decidedly mixed, with some plans
including a comprehensive set of
goals, others including only vague or
narrowly-focused goals, and others
failing to address specific goals at all.

In addition, we developed and
evaluated a set of policies for each
SG goal. Most policies were taken

- Create Range of Housing
  Opportunities and Choices
- Create Walkable
  Neighborhoods
- Encourage Community and
  Stakeholder Collaboration
- Foster Distinctive, Attractive
  Communities with a Strong
  Sense of Place
- Make Development
  Decisions Predictable, Fair
  and Cost Effective
- Mix Land Uses
- Preserve Open Space,
  Farmland, Natural Beauty
  and Critical Environmental
  Areas
- Provide a Variety of
  Transportation Choices
- Strengthen and Direct
  Development Towards
  Existing Communities
- Take Advantage of Compact
  Building Design

www.smartgrowth.org

Figure 3: Smart Growth Goals Compliance

Goal	Present and comprehensive	Present but narrow	Not present
1. Mix land uses	3%	27%	70%
2. Compact development pattern	3%	43%	53%
3. Create range of housing choice and opportunity	70%	20%	10%
4. Create walkable communities	30%	43%	27%
5. Foster distinctive, attractive communities with strong sense of place	27%	70%	3%
6. Preserve open space, farmland, critical environmental areas	73%	27%	0%
7. Direct new development toward existing development	20%	60%	20%
8. Provide a variety of transportation choice	23%	40%	37%
9. Make development decisions predictable, fair and cost-effective.	7%	3%	90%
10. Encourage community and stakeholder collaboration in development decisions	17%	50%	33%
11. Encourage intergovernmental cooperation	47%	53%	0%

□ Present and comprehensive   □ Present but narrow   □ Not present

Action-oriented language might include words such as adopt, develop and will, while general language might include words such as encourage, promote or should.

from "Getting to Smart Growth: 100 Policies for Implementation" (SG Network, 2002). Under the "encouraging community and stakeholder collaboration" goal, we added another of Wisconsin's goals: "balancing individual property rights with community interests and goals." We evaluated each policy as being action-oriented and specific (linked to specific conditions) versus general (vague) and non action-oriented. An example of an action-oriented policy might state, "adopt amendments to the subdivision and zoning ordinances to require or encourage conservation subdivision design." In contrast, a general policy might state, "encourage creative subdivision design." We evaluated action-oriented language as generally including words such as adopt, develop, and will versus encourage, promote and should.

We scored each policy within a goal and summed them (each policy received a score of 0 if it was not present, 1 if it was present but not action-oriented, and 2 if it was present and action-oriented). We standardized the scores by dividing the sum of the policy scores by the maximum possible score and then multiplying by ten. The total score reflects the sum of standardized scores for each SG goal.

jurisdiction (city, village, and town). The range of scores is striking. Cities and villages have a higher average score than towns. The average city score is 24.77 while the average town score is 15.60. The scores range from a low of 3.35 total points to a high of 47.73 out of 110 points possible. Despite the significant difference between towns and cities/villages, by and large these plans have very low overall scores in terms of smart growth principles.

Discussion

If these plans were fully implemented, would we conclude the communities were not "smart growth" communities? Does it mean that low-scoring communities are not planning or growing smartly? Are the communities producing bad or ineffective plans or are they addressing their own needs which may not fall under what we accept as smart growth? If smart growth is about expanding the range of transportation, employment and housing choice and promoting more compact and efficient mixed use development patterns – do small towns need to abide by these principles to create effective plans?

This study demonstrates that this group of plans completed and adopted by communities under the comprehensive planning or "smart growth" law fails to incorporate many SG goals. Furthermore, when these goals were incorporated, they were often narrowly focused on one area of the community or one group within the community. In addition, in those communities where goals and accompanying policies were present, the policy statements were often passive rather than action-oriented. The likelihood that the goal would be

Figure 4: Smart Growth Ratings			
Jurisdiction	Number of Plans	Average Score (out of 110)	Average Percent Score
City	9	24.77	22.5%
Village	5	23.47	21.3%
Town	18	15.60	14.2%
Note: One plan was a combined city/town plan.			

Results

Figure 4 shows the average smart growth score for each type of

achieved given the passive nature of the policy statements is questionable.

One of the interesting and telling findings of this study is the significant difference in smart growth scores of cities and villages versus towns. The average town score is significantly lower than the average city/village score for a number of smart growth goals. Goals such as creating walkable communities, promoting efficient development patterns, and providing transportation choices are generally not goals that are embraced by rural towns. These communities are not focused on creating density or walkability. Rather, these places want to retain their rural character, which is characterized by small populations, low density, and a feeling of spaciousness.

Although these smaller communities are not incorporating many smart growth principles or policies into their plans, it does not automatically mean they will grow "dumbly" in the future. On the contrary, it suggests at least two things. One, it may suggest that communities are creating unique local plans under the comprehensive planning law that are relevant and appropriate to that particular community. Two, it may suggest that our commonly accepted SG principles are better suited for larger cities and metropolitan areas rather than the many small sized communities that were part of this study. It implies that for small communities, especially rural communities, that a different set of principles is necessary if we want to see rural areas grow and change in a "smart" way.

Smart growth is not necessarily meant to be a blanket strategy for

land use, but this study suggests that it should encompass an even broader range of tools that can be applied to varying community needs. It may be that it is difficult for small and rural communities to embrace and incorporate smart growth policies into local planning efforts if they cannot envision the possibility of large-scale development and scores of new people coming to town. The key challenge for many rural communities concerns stabilizing and revitalizing forest and agriculturally-based economies. For example, strategies or policies that match farmers with end users, or educational programs focused on alternative farming methods that promote sustainable agriculture would make more sense as economic development policies as opposed to a policy suggesting more infill development. Specific policies that complement and support community efforts to retain rural character, to promote unique rural economies, to cooperate with neighboring governments, and to maintain a distinct and ecologically healthy way of life should be part of a suggested set of smart growth goals and policies that is meant to appeal to all types of communities. When smart growth is promoted, it is most often described in terms of encouraging communities to promote compact, mixed use, pedestrian friendly and ecologically sound development directed to existing built areas.

This study suggests that more work is necessary to develop a set of sample principles and policies to assist small and rural communities. More importantly for Wisconsin, it suggests that communities are creating comprehensive plans that address their local concerns and needs. ∎

Communities are creating unique local plans under the comprehensive planning law that are relevant and appropriate.

Commonly accepted SG principles may be better suited for larger cities and metropolitan areas.

CLUE-IN ON TECHNOLOGY

WEB MAPPING FOR COMPREHENSIVE PLANNING: NOW SERVING NUMBER …

By Douglas Miskowiak, Project Planner, CLUE

CLUE-in on Technology is a segment in the Land Use Tracker dedicated to how cutting edge digital technologies, such as the Internet and GIS are applied to efficiently, effectively, and equitably address comprehensive planning and public involvement. The intent of these articles is to help diffuse technologies where they "best-fit" – where using technology is an improvement upon using other methods.

CLUE-in on Technology wants to share studies and stories that showcase technology in local, regional, and state planning applications. If you have a 2-4 page case study to share, please contact our editor, Becky Roberts to publish in the Land Use Tracker.

Introduction

Of all adult Americans, 128 million or 63 percent use the internet. On a typical day, roughly 70 million Americans log onto the web (Pew Internet and American Life Project, 2004). In Wisconsin, approximately 66 percent of all people 3 years and older use the internet (US Bureau of the Census, 2003). They use chat rooms and email to communicate with family members, friends and colleagues. They also use the web to learn about daily events, plan trips, and shop for goods and services.

Geographical information systems (GIS) are another widely used technology that provides information, but is linked to a location or place (place-based information). GIS information is most commonly received in map form, but charts and statistics are also common. With a GIS, one can learn about the size of a feature or the distance between features. A GIS can display locational patterns and trends, such as population density over time. GIS is also used for modeling and impact assessment, such as with future land use mapping (LICGF, 1999). GIS is used in ways that help planners and decision-makers analyze and interpret physical, fiscal, cultural and political landscapes.

This article focuses on the union of these two prevalent technologies – the internet and GIS. Web mapping services provide a widely available and user-friendly node to access place-based information. This article briefly explores the technology behind web mapping and takes a look at several websites with varying themes. It also explores the potential for web mapping services to more fully engage citizens in comprehensive planning. This article is designed to serve professional planners and educators who wish to employ existing services or design new services to help citizens and planning officials become better informed and capable of making place-based decisions. After reading this article you'll see that web mapping in Wisconsin is a widely available resource that can serve a variety of planning services to an ever increasing number of citizen clients.

The Technology at a Glance

Web mapping services provide an internet-based framework for distributing GIS data and services over the web. The service is enabled with web mapping software from vendors such as ESRI or Intergraph or with freeware such as MapViewer. The software enables websites to provide GIS maps, data, metadata and other services. The software, data and services are physically located on a provider's server. Clients access these services from their web browsers, such as Netscape, Explorer or Firefox. From a personal computer, the client is able to:

- Pan across and zoom in or out to areas on a map

- Turn on or off data layers to create, print or email custom maps
- Retrieve data attributes to learn more about a map feature
- Measure distances on the map or sizes of map features
- Perform basic spatial analysis, such as buffering

Web mapping services are hosted by many types of providers. Local, state and federal governments are common web mapping providers. Universities also widely employ the technology. There are even a few examples of use by private institutions. The following software vendors showcase some other great examples.
ESRI: www.esri.com/software/internetmaps/visit_sites.html
Intergraph: http://imgs.intergraph.com/customers/webmapping.asp

Array of Applications

A wealth of web mapping services is available on the internet. The applications tackle a host of issues such as crime fighting, retracing history, finding a travel route, and monitoring natural resources. Three sites are showcased in Box 1 that

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Box 1 - Sample of Web Mapping Services

Fuel Watch
www.fuelwatch.wa.gov.au/
This site, based in Western Australia, displays fuel prices from various fueling stations. The client can use their browser to select the best fuel price and then create a map showing where the station is located.

Oak Mapper WebGIS
http://kellylab.berkeley.edu/SODmonitoring/OakMapper.htm
The University of California–Berkeley monitors the locations and distribution of sudden oak death disease. The site allows users to learn more about sudden oak death symptoms and then report a diseased tree.

Lewis and Clark Expedition Mapping
www.esri.com/lewisandclark/interactive_maps.html
ESRI has compiled a list of web mapping resources that retrace the historic expedition of Lewis and Clark across the western United States.

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illustrate the host of topics a web service might address. The ability to interactively address varying themes can be employed for a variety of planning topics as well.

Web Mapping in Wisconsin

Web mapping services in Wisconsin are widely available. David Hart, from UW-Sea Grant and Jerry Sullivan, from the Wisconsin Department of Administration are

This web shot showcases an interactive map developed by the Smithsonian Institution to retrace the historic expedition of Lewis and Clark

tracking the development of web mapping services throughout the state. Twenty-one state web mapping services were in existence as of November 2004. Almost 100 other web mapping services exist or are in development across the state to serve universities, county, city, village and town governments, regional planning commissions and tribes (Sullivan, 2004).

You can track the status of Wisconsin web mapping at the following address: www.doa.state.wi.us/pagesubtext_detail.asp?linksubcatid=392 or use WiscLINC, from the State Cartographers Office, to browse for local and state web mapping services: www.sco.wisc.edu/wisclinc/.

Web Mapping for Comprehensive Planning

The internet is a widely used source of information for comprehensive planning. The Wisconsin Department of Administration's website, for example, provides fact sheets, guides for completing the elements of a plan, and other useful resources. Web mapping services, not unlike typical web pages, also provide a host of information for comprehensive planning. Many of Wisconsin's state and municipal web mapping services have been applied to help address place-based planning issues. Below, a short list is provided that explores ways these services can be applied to enhance planning and participation. Premiere web site examples are recognized and their web addresses provided in Box 2.

Conclusion

Web mapping services add yet another tool to the planner's toolkit. These services are widely available throughout Wisconsin and are becoming increasingly more powerful and user friendly. Anyone with an internet connection at home, work or via public spaces, such as libraries or cyber cafés can access these

This web shot showcases forest planning in Wisconsin using web mapping services. The Advanced Computing Lab hosts web mapping services for the College of Natural Resources at UWSP: http://oasis.uwsp.edu/mapping.htm.
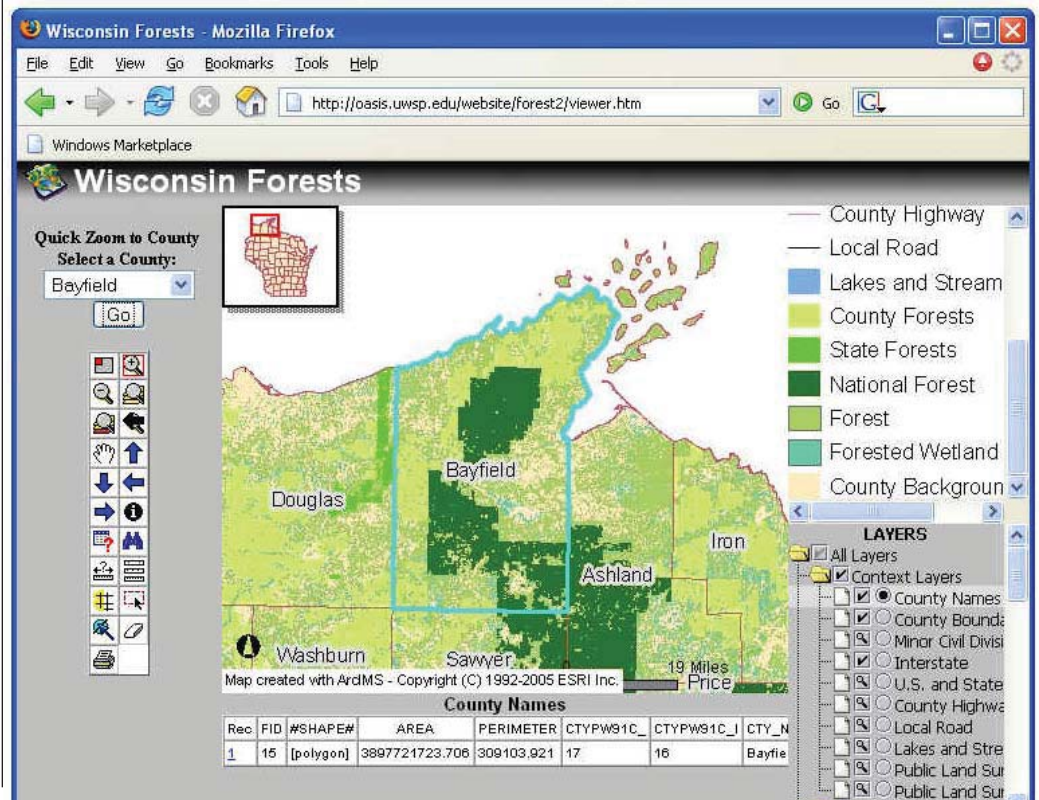
Box 2 - Examples of Premiere Web Sites

1. Serving information about a place and its resources.
Serving information is the basic function of all web mapping services. Accessing maps on a web browser helps interested citizens and planners learn more about the spatial patterns and trends of a place at a time convenient for them.

The Wisconsin DNR compiles statewide information for comprehensive planning on the Aquatic and Terrestrial Resources Inventory website, found at: http://maps.botany.wisc.edu/atri/Maps/index.htm

2. Compare and contrast planning alternatives.
The planning process often involves the development of various planning scenarios or alternatives, such as with future land use mapping. Web mapping helps individuals visualize and even quantify variations in proposed alternatives and demonstrates how alternatives affect them, their neighbors and surrounding community resources. Web mapping may also be applied to visually inspect spatial consistency among local jurisdictional plans.

Though no longer available on the internet, UW-Madison LICGF employed an early version of ArcIMS to compare farmland preservation scenarios in the Town of Verona.

3. Interactively view and measure land use change over time.
Planning is often concerned with questions such as, "What has happened since?" or "How have things changed?" Data from various time periods can be analyzed for patterns and trends. Like comparing plan alternatives, temporal data can also be visually compared using simple geographic overlay.

The Bayfield County Land Records Department provides a great example of land change over time. Their mapping service provides ortho-rectified[1] aerial photographs dating back to 1938. The photos show how land has changed and eroded along the Lake Superior shoreline: www.bayfieldcounty.org/LandRecords/mapviewer_start.htm

4. Help citizens articulate their concerns or interests.
Maps can be used to help communicate ideas more effectively. A citizen may be able to explain their preferred community vision, but a map can help them explicitly show how that vision relates to the landscape (LICGF, 2001).

Mapping services provide an opportunity for citizens to lay out their visions in map form. Brown County provides a service to help community members make customized maps. Using ArcReader, the user can browse a variety of data layers and create a map that contains cartographic features, such as a title, scale, description, etc.: www.co.brown.wi.us/Land_Information_Office/ArcReader%20PMF%20published%20map.htm

5. Teach planners about community beliefs, attitudes, and desires.
A few services provide additional tools that allow the client to draw shapes and write text on the digital map and then submit the finished product via email. These tools could be used to construct a spatial survey or cognitive map. Planners could ask citizens a series of questions such as, "Where should new homes be built?" "What roads do you travel most?" or "What is your favorite place in the county?" Citizens could use the web service to answer the questions by drawing on the map and then submit their response via email. The compiled results show planners the locations of interest to citizens.

Monroe County's service provides tools that could be used to conduct a spatial survey: www.monroecogiws.com/html/default.htm

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[1] Ortho-rectification is a process that applies corrections to aerial photographs to remove terrain and perspective distortions. Ortho-rectified images can be used as a map.

tools; their use is not restricted to professionals. Web mapping services enable planners to improve the quality of local plans by engaging citizens more thoughtfully in the planning process and empowering citizens to articulate their vision for a preferred future. Armed with new place-based information, communities are well equipped to make more informed local decisions. ■

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STAFF UPDATE

Tate Ahren Bruckhart

Congratulations to Lynn Markham and her husband Pat, who recently celebrated the birth of their first son, Tate Ahren Bruckhart. Tate was born May 20th weighing 7 lbs 6 oz. According to Lynn, "Tate" is Irish, meaning "cheerful" and "Ahren" is German, meaning "eagle." The name derives from Lynn's optimistic spirit and the sighting of a bald eagle the day before Tate's birth. Before returning to work in July, Lynn will be enjoying some time off with family.

Farewell and best wishes to Chin-Chun Tang. After working with the Center for nearly three years, Chin-Chun will be moving to Yokohama, Japan to be reunited with her husband, Yasu. For those of us who had the opportunity to work with Chin-Chun, we knew her as a cheerful, caring and extremely hard-working colleague. Congratulations and best of luck in your future endeavors.

Chin-Chun Tang

Rebecca Roberts

Congratulations to Rebecca Roberts who recently transitioned into the role of UW-Extension Land Use Specialist. In addition to serving as a resource for county Extension educators, Becky will continue many of her previous duties, including delivering educational workshops, providing assistance for comprehensive planning, and managing the Land Use Tracker.

LEGAL UPDATE

IF A ZONING ORDINANCE PROVISION IS MEANT TO APPLY TO NONCONFORMING STRUCTURES, CLEARLY STATE "NONCONFORMING STRUCTURES" IN THE ORDINANCE

By Lynn Markham, Land Use Specialist, CLUE

Hillis v. Village of Fox Point Board of Appeals Case No. 04-1787 (Ct. App., March 15, 2005)

Owners of a house located in an area zoned for residential use applied for a permit to construct an addition to their house. Neighbors objected to the proposed addition arguing that expansion of the house was limited by the 50% value limitation for nonconforming uses found in the village's ordinance. Because the house had always met the use standards as a residence in an area zoned for residential use, the court of appeals concluded that the owners request was not subject to the fifty percent limitation for nonconforming uses found in the village's ordinance.

This finding is consistent with previous case law:

- A 50% value limitation can be specifically applied to structural alterations of nonconforming structures (Klinger v. Oneida County, 149 Wis. 2d 838 (1989)).
- Ordinances regulating nonconforming structures must specifically say they apply to nonconforming structures (County of Sauk v. Trager, 118 Wis. 2d 204 (1984)).

Nonconforming use: a lawful use of a structure or property existing on the effective date of a zoning ordinance or ordinance amendment, and continuing since that time which does not comply with the specific terms of the ordinance.

Nonconforming structure: A structure lawfully existing prior to a zoning ordinance or ordinance amendment, which fails to comply with current dimensional standards of the ordinance such as setbacks, lot coverage and height.

Therefore if a community wants to limit structural alterations or expansion of nonconforming structures, they can do so by including ordinance language that specifically refers to nonconforming structures. ∎

Reviewed by JoAnne Kloppenburg from the Wisconsin Department of Justice

WISCONSIN COUNTY CODE ADMINISTRATORS FALL CONFERENCE

October 19-21, 2005
Best Western, Waupaca, WI
http://www.wccadm.com

BOARD OF ADJUSTMENT INTERMEDIATE/ADVANCED WORKSHOP

July 20, 2005
Hayward Inn & Suites, Hayward, WI
www.uwsp.edu/cnr/landcenter/workshops.html

This workshop is designed for intermediate and advanced county board of adjustment members, planning and zoning committees, local government staff and other interested persons. The workshop will focus on special topics including nonconforming uses and structures, area variances, applications, and standards of review for conditional use decisions. The workshop will address new and existing court cases related to these topics and allow for a period of open questions and answers. To register for this workshop, or to request a workshop in your area, please contact the Center for Land Use Education at landcenter@uwsp.edu or 715-346-3783.

For additional dates and information, visit the online calendar of events
www.uwsp.edu/cnr/landcenter/events.html

Submit Articles!

Please submit an article to our newsletter.

It should be:
- 1,000 words or less,
- Informative,
- Of statewide concern,
- And address a land use issue.

The managing editor will review your submission and get back to you if any changes are necessary.

Managing Editor
Rebecca Roberts

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